

HOUSE BILL 1853

By Richardson

AN ACT to amend Tennessee Code Annotated, Title 60,
Chapter 1 and Section 69-3-105, relative to
permits for oil and gas extraction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 60-1-103, is amended by adding the following language as subsection (b) and renumbering the remaining subsections accordingly:

(b)

(1) For an application for a permit to drill, the applicant shall notify the public of the application by posting a sign near the point of entrance to the drill site and within view of a public road. The sign shall contain provisions as specified by the supervisor. The sign shall be of such size that is legible from the public road. Also, the sign shall be maintained for at least thirty (30) days following submittal of the application to the supervisor.

(2) The supervisor shall ensure that the public is notified that the following actions have occurred:

(A) A hearing has been scheduled; or

(B) An appeal has been granted.

(3) Public notices may describe more than one permit or permit actions.

(4) Public notice of a public hearing shall be given at least thirty (30) days before the hearing.

(5) In order to inform interested and potentially interested persons of the proposed drilling, public notice shall be circulated within the geographical area of the proposed drilling by the following means:

(A) Publishing in local daily or weekly newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation;

(B) Mailing (either electronically or physically) a copy of the notice to the following persons:

(i) The applicant;

(ii) Any other agency which the supervisor knows has issued or is required to issue other permits for the same activity;

(iii) Federal and state agencies with jurisdiction over fish and wildlife resources and historic preservation, including, but not limited to, the Tennessee wildlife resources agency and the United States fish and wildlife service;

(iv) Any affected states and Indian Tribes;

(v) Persons on a mailing list developed by:

(a) Including those who request in writing to be on the list;

(b) Soliciting persons for area lists from participants in past permit proceedings in that area;

(c) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press, newsletters, environmental bulletins, or state law journals. The supervisor may update the mailing list from time to time by requesting written indication of continued interest from those listed. The supervisor may delete from the list the name of any person who fails to respond to such a request;

(vi) To any unit of local government having jurisdiction over the area where the drilling is proposed to occur;

(vii) To each state agency having any authority under state law with respect to the construction or operation of such drilling; and

(viii) The division of ground water protection of the department of environment and conservation; and

(C) If determined necessary by the commissioner, any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases, web site postings or any other forum or medium to elicit public participation.

(6) Public notice of applications shall include the following:

(A) Name, address, phone number of the supervisor;

(B) Name and location address of each applicant;

(C) Brief description of each applicant's drilling activities or operations described in the application;

(D) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by this section and any other means by which interested persons may influence or comment upon those determinations;

(E) Address and phone number of the premises at which interested persons may obtain further information, inspect and copy forms and related documents; and

(F) Any other information that the supervisor deems necessary.

(7) Interested persons may submit written comments on application within either thirty (30) days of public notice or such greater period as the supervisor allows. All written comments submitted shall be retained and considered in the final determination.

(8) Interested persons may request in writing that the supervisor hold a public hearing on any application. The request must be filed within the period allowed for public comment and must indicate the interest of the party filing it and the reasons why a hearing is warranted. If there is a significant public interest in having a hearing, the supervisor shall hold one in the geographical area of the proposed drilling. Instances of doubt should be resolved in favor of holding the hearing.

(9) In addition to the public notice procedures of subdivision (b)(5), notice of public hearing must be sent to all persons who received a copy of the notice of the application, any person who submitted comments on the application, all persons who requested the public hearing and any person who specifically requests a copy of the notice of hearing.

(10) Each notice of a public hearing shall include at least the following contents:

(A) Name, address, and phone number of the supervisor;

(B) Name and address of each applicant whose application will be considered at the hearing;

(C) A brief reference to the public notice issued for each application, including identification number and date of issuance;

(D) Information regarding the time and location for the hearing;

(E) The purpose of the hearing;

(F) A concise statement of the issues raised by the persons requesting the hearing;

(G) Address and phone number of premises at which interested persons may obtain further information and inspect and copy forms and related documents;

(H) A brief description of the nature of the hearing, including the rules and procedures to be followed; and

(I) Any other information deemed necessary by the commissioner.

SECTION 2. Tennessee Code Annotated, Section 69-3-105, is amended by designating the existing language of subsection (i) as subdivision (i)(1) and adding the following as subdivision (i)(2):

(2) Permits issued under title 60, chapter 1, for the extraction of natural gas shall be subject to review under this section with respect to any term or condition or the lack thereof that may result in a condition of pollution under this part.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.